

AN ACT

relating to the creation of the offense of unauthorized acquisition or transfer of certain financial information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 31, Penal Code, is amended by adding Section 31.17 to read as follows:

Sec. 31.17. UNAUTHORIZED ACQUISITION OR TRANSFER OF CERTAIN FINANCIAL INFORMATION. (a) In this section:

(1) "Check" has the meaning assigned by Section 3.104, Business & Commerce Code.

(2) "Credit card" and "debit card" have the meanings assigned by Section 32.31.

(3) "Financial sight order or payment card information" means financial information that is:

(A) contained on either side of a check or similar sight order, check card, debit card, or credit card; or

(B) encoded on the magnetic strip or stripe of a check card, debit card, or credit card.

(b) A person commits an offense if the person, knowing that the person is not entitled to obtain or possess that financial information:

(1) obtains the financial sight order or payment card information of another by use of an electronic, photographic, visual imaging, recording, or other device capable of accessing,

reading, recording, capturing, copying, imaging, scanning, reproducing, or storing in any manner the financial sight order or payment card information; or

(2) transfers to a third party information obtained as described by Subdivision (1).

(c) An offense under Subsection (b)(1) is a Class B misdemeanor. An offense under Subsection (b)(2) is a Class A misdemeanor.

(d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.

SECTION 2. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.295 to read as follows:

Art. 2.295. REPORT REQUIRED IN CONNECTION WITH UNAUTHORIZED ACQUISITION OR TRANSFER OF CERTAIN FINANCIAL INFORMATION. (a) A peace officer to whom an alleged violation of Section 31.17, Penal Code, is reported shall make a written report to the law enforcement agency that employs the peace officer that includes the following information:

(1) the name of the victim;

(2) the name of the suspect, if known;

(3) the type of financial sight order or payment card information obtained or transferred in violation of Section 31.17, Penal Code; and

(4) the results of any investigation.

(b) On the victim's request, the law enforcement agency shall provide the report created under Subsection (a) to the

1 victim. In providing the report, the law enforcement agency shall
2 redact any otherwise confidential information that is included in
3 the report, other than the information described by Subsection (a).

4 SECTION 3. Chapter 13, Code of Criminal Procedure, is
5 amended by adding Article 13.295 to read as follows:

6 Art. 13.295. UNAUTHORIZED ACQUISITION OR TRANSFER OF
7 CERTAIN FINANCIAL INFORMATION. An offense under Section 31.17,
8 Penal Code, may be prosecuted in any county in which the offense was
9 committed or in the county of residence of the person whose
10 financial sight order or payment card information was unlawfully
11 obtained or transferred.

12 SECTION 4. This Act takes effect September 1, 2011.

H.B. No. 1215

President of the Senate

Speaker of the House

I certify that H.B. No. 1215 was passed by the House on April 13, 2011, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1215 was passed by the Senate on May 19, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor